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OO RUEHGI RUEHMA RUEHROV RUEHTRO
DE RUEHKH #0342/01 0711435
ZNR UUUUU ZZH
O 121435Z MAR 09
FM AMEMBASSY KHARTOUM
TO RUEHC/SECSTATE WASHDC IMMEDIATE 3236
INFO RUCNFUR/DARFUR COLLECTIVE
RUEHGG/UN SECURITY COUNCIL COLLECTIVE
RHMFISS/CJTF HOA

UNCLAS SECTION 01 OF 02 KHARTOUM 000342

DEPT FOR AF A A/S CARTER, AF/SPG, AF/E, AF/C
NSC FOR MGAVIN AND CHUDSON
ADDIS ABABA FOR USAU
DEPT PLS PASS USAID FOR AFR/SUDAN

SENSITIVE
SIPDIS

E.O. 12958: N/A
TAGS: [ASEC](#) [PGOV](#) [PREL](#) [KPKO](#) [SOCI](#) [AU](#) [UNSC](#) [SU](#)
SUBJECT: MARCH 12 NGO STEERING COMMITTEE MEETING

REF: A) KHARTOUM 334
B) KHARTOUM 325
C) KHARTOUM 323

1. (SBU) Summary: The unlawful expulsion of the 13 INGOs on March 5 has exposed the absence of any legal framework to govern humanitarian activity and left remaining INGOs hostage to the political whims of the GOS, members of the NGO Steering Committee told Donor Ambassadors on March 12. This lack of a legal framework, combined with the total breakdown in trust and increasingly hostile and dangerous operating conditions of INGOs, may cause many of those organizations remaining to leave Sudan on their own accord, they said. Even if the remaining INGOs decide to stay, their surge capacity for emergency relief is severely hindered by bureaucratic impediments; even in the best case scenario, paper processing times for international new staff exceed two months, they said. The short-term humanitarian outlook is bleak, with the severe outbreaks of meningitis at several locations, as well as water and sanitation shortages and a dearth of shelter for newly displaced persons in North Darfur. End Summary.

2. (SBU) On March 12, members of the severely stressed and harried NGO Steering Committee met with Donor Ambassadors to discuss the outlook for humanitarian assistance in Darfur following the expulsion of thirteen major international NGOs by the GOS. Members of the Steering Committee emphasized that the expulsions occurred outside of the existing legal framework governing humanitarian activity in Sudan, and that GOS authorities had urged them to refrain from discussing the legal aspects of the expulsion. The fact that the expulsions occurred outside of the law begs the question of what legal framework NGOs are currently operating under, they said; if there is indeed one at all. As a corollary, they questioned whether there is any mechanism to appeal the expulsions, or whether legal procedures exist for closing down. Without a legal framework, they said, NGOs still operating in Sudan will be hostage to entirely arbitrary political, rather than legal, pronouncements of the GOS. Some members of the Steering Committee also reflected on whether it would behoove them to begin developing relations with NISS or the Presidency, now that the HAC appears to have been superseded by these entities in the governance of humanitarian affairs.

3. (SBU) The Steering Committee members also detailed GOS harassment of expelled NGO staff for the donors (ref B). They stated that the passports of nineteen INGO staff are currently being held by HAC as they await exit visas, and noted several instances in which staff are still in field locations or otherwise awaiting paperwork to allow them to leave the country. They described numerous instances of harassment and intimidation, as well as the seizure of personal assets and ransacking of personal accommodations. In addition to INGO vehicles, computers and communication equipment, financial assets have been targeted, they said. Six of the thirteen expelled INGOs reported that their bank accounts have been frozen, three

reported handing account information over to authorities (including check books and bank statements), and one reported being required to have a HAC signature on all expenditures. In addition, two of the expelled INGOs reported having no access to cash, and three may need assistance paying staff, they said. Under the terms of current contracts, INGOs are required to pay dismissed local staff one month of severance pay plus an additional month for each year on the job, representing a payout of as much as \$20 million for the expelled INGOs. Furthermore, HAC has been inciting local staff to demand six additional months of severance pay provided in cases of "aggressive termination," which the INGOs have hotly disputed, given that the "aggressiveness" in their view was on the part of the GOS.

¶4. (SBU) The Steering Committee also outlined for the Donor Ambassadors four potential scenarios for the humanitarian environment in the coming weeks and months, beginning with the scenario that more INGOs will be expelled. The prospect of this remains uncertain, they said, noting that while HAC officials have declared the expulsions to be complete, NISS officials refuse to corroborate that claim. A second scenario is that given the lack of a legal framework and/or technical agreements, the breakdown in trust and generally hostile operating conditions, existing INGOs will themselves decide to exit Sudan. The level of fear is at an all-time high, said one Steering Committee member, who wryly noted that "it's not paranoia when they are actually out to get you." Steering Committee members said it was the humanitarian imperative that keeps them in Darfur; however, they were quick to note that this imperative has to be balanced against humanitarian principles. The March 11 kidnapping of five international aid workers from MSF-Belgium in Saraf Omra, approximately 200 km west of El Fasher on the North/West Darfur border, by what seems to be pro-regime irregular forces has intensified their fears, they said. (Note: The five--a Canadian Nurse, Italian Doctor and French coordinator, as

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well as two Sudanese staff--were abducted from the MSF-Belgium compound in Saraf Omra at approximately 21:00 and taken to an unknown location, according to UNDSS sources. Members of the NGO Steering Committee reported that two local staff members have since been released. More information will be reported septel. End Note.)

¶5. (SBU) A third scenario for humanitarian operations is that existing INGOs will remain and boost their surge capacity to deal with the vacancies created by the expelled organizations. This poses significant challenges, as members of the Steering Committee estimated that the expelled NGOs accounted for 250 of the 1000 expats and 6,000 of the 12,000 local humanitarian staff in Darfur, accounting for roughly 40% of total capacity. The ability to operate with surge capacity is severely hindered by crippling bureaucratic impediments, they said, noting that in even the best case scenario, paper processing times for international new staff would exceed two months. Finally, a fourth, admittedly very optimistic, scenario is that with improved relations with the GOS and increased support from donors, activity in the humanitarian space could actually increase. Members of the Steering Committee noted that this could not occur without the complete overhaul of the humanitarian legal framework and significant confidence-building measures. They noted that an expansion of humanitarian activity would necessitate greater involvement of local NGOs, many of exist in name only and whose capacity and ability to comply with humanitarian principles was highly questionable.

¶6. (SBU) With regard to the short-term humanitarian outlook, members of the Steering Committee said the situation is expected to worsen considerably in the coming weeks. There have been reports of "major" outbreaks of meningitis among IDPs in Kalma camp, and the town of Nertiti in Jebel Marra, a magnitude of which is only seen one in every ten years. Water supplies are slowly breaking down, as the fuel used to power water pumps is becoming increasingly scarce. In terms of food, while WFP has come up with a "quick and dirty" food drop approach to distribute for the next two months, such emergency efforts eschew the usual accountability measures and there are high risks that food aid could be improperly diverted. Efforts to shelter IDPs have also suffered with the expulsion of CHF (a major provider of shelter) and were exacerbated by the significant movement of people displaced from fighting in Muhajeriya area in January who

have now moved into overcrowded Zamzam Camp outside El Fasher. It was also reported that, somewhat amazingly, residents of Kalma camp refused entry to a local NGO to provide health care because they were suspicious about its intentions. Steering Committee members also noted that it was important not to overlook the effect of the expulsions outside of Darfur, not only in the Three Areas but also Eastern Sudan, in which there is apparently only one INGO left following the expulsions.

17. (SBU) Comment: The regime's belief that it can get the UN and remaining INGOS (as well as local ones) to easily fill humanitarian gaps is ill-founded although we expect the regime to present a brave front and try to at least prevent mass starvation in the camps. Additional expulsions of INGOS notwithstanding, it is entirely possible, indeed probable, that INGOS will leave on their own accord rather than be treated as hostages with no effective legal framework and an increasingly hostile and dangerous working environment. MSF - Belgium, which was not expelled but which has kidnapped employees now, just announced its intention to leave Darfur. Local NGOs, meanwhile, are treated with suspicion by IDPs, as events in Kalma camp demonstrate. With regard to the kidnapping in Saraf Omra, it shows that individuals are often motivated by the government's rhetoric, and that Darfur will be a more dangerous place for NGOs (especially western NGOs) to operate following the government's expulsion action and voluminous rhetoric accusing the NGOs of being spies, thieves, and agents of the west. The example of the kidnappers, who allegedly made political demands (that Ocampo must revoke the ICC indictment) as well as demands for ransom money (of SDG 2 million (approximately \$900,000) may lead to a whole new dimension of the humanitarian crisis, with increasingly dire prospects for IDPs of Darfur.

FERNANDEZ